

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: 6/6/01

By: Deborah Brackner

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Kim, et al.

SERIAL NO.: Not Yet Assigned

FILED: Filed Herewith

FOR: **PROMOTERS FOR REGULATED  
GENE EXPRESSION**

EXAMINER: Unknown

ART UNIT: Unknown

**Declaration Under 37 CFR §1.821**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Linda R. Judge, declare and affirm as follows:

1. I am an agent for the applicant.
2. The floppy disc which accompanies this Declaration contains the required sequence listing.
3. The sequence listing recorded on said disc matches the hard copy of the sequence listing accompanying this Declaration.
4. The present submission contains no new matter relative to the application as originally filed.

Respectfully submitted,

Linda R. Judge  
Linda R. Judge

Registration No. 42,702

Date: June 6, 2001

**Correspondence Address:**

Customer No. 22918

**INVENTORSHIP DECLARATION BY JOINT INVENTORS**

I HEREBY DECLARE THAT:

My residence, mailing address, and citizenship are stated next to my name in PART A on hereof.

I believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**PROMOTERS FOR REGULATED GENE EXPRESSION**

the specification of which:

- ☒ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed in PART B hereof and have also identified in PART B on hereof any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

I hereby claim the benefit under Title 35, United States Code §119(e) and §120, of any United States application(s) listed in PART C hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date of the prior application and any national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all telephone calls to Linda R. Judge at (650) 324-0880. Address all correspondence to:

**Iota Pi Law Group  
P.O. Box 60850  
Palo Alto, CA 94306-0850  
Customer No. 22918**

**INVENTORSHIP DECLARATION BY JOINT INVENTORS**

**PART A: INVENTOR INFORMATION AND SIGNATURE**

Full name of FIRST inventor: Jungsuh P. Kim

Citizenship: U.S.A.

Mailing Address: 1844 Guinda Street  
Palo Alto, CA 94303

Residence (if different):

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of SECOND inventor: Douglas B. Starr

Citizenship: U.S.A.

Mailing Address: 1197 Bonita Avenue  
Mountain View, CA 94040

Residence (if different):

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of THIRD inventor: Albert W. Tam

Citizenship: U.S.A.

Mailing Address: 1871 10th Avenue  
San Francisco, CA 94122

Residence (if different):

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of FOURTH inventor: Megan E. Laurance

Citizenship: U.S.A.

Mailing Address: 1020 Shotwell Street  
San Francisco, CA 94110

Residence (if different):

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of FIFTH inventor: Emil F. Michelotti

Citizenship: U.S.A.

Mailing Address: 1181 Marlin Avenue  
Foster City, CA 94404

Residence (if different):

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of SIXTH inventor: Mark D. Velligan

Citizenship: U.S.A.

Mailing Address: P. O. Box 370532  
Montara, CA 94037

Residence (if different):

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of SEVENTH inventor: Derek R. Latour

Citizenship: U.S.A.

Mailing Address: 1945 East Avenue  
Hayward, CA 94541

Residence (if different):

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full name of EIGHTH inventor: Rita L. Thomas

Citizenship: U.S.A.

Mailing Address: 1050 High Road  
Woodside, CA 94062

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of NINTH inventor: Ana Kongpachith

Citizenship: Portugal

Mailing Address: 4469 Alvarado Blvd.  
Union City, CA 94587

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of TENTH inventor: Liana T. Sheppard

Citizenship: U.S.A.

Mailing Address: 34 Cadiz Circle  
Redwood City, CA 94065

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of ELEVENTH inventor: Moon Young Kim

Citizenship: U.S.A.

Mailing Address: 10 Lido Circle  
Redwood City, CA 94065

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of TWELFTH inventor: Thomas W. Bruice

Citizenship: U.S.A.

Mailing Address: 6880 Shearwaters Drive  
Carlsbad, CA 92009

Residence (if different):

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**INVENTORSHIP DECLARATION BY JOINT INVENTORS**

**PART B: CLAIM TO PRIORITY OF FOREIGN APPLICATION(S) UNDER 35 U.S.C. 119(a-d)**

| Country | App. No. | Filing Date |
|---------|----------|-------------|
|---------|----------|-------------|

**PART C: CLAIM TO PRIORITY OF U.S. PROVISIONAL AND NONPROVISIONAL APPLICATION(S) UNDER 35 U.S.C. 119(e) AND 120**

| Serial No.        | Filing Date         | Status   |
|-------------------|---------------------|--|
| <u>60/209,549</u> | <u>06 June 2000</u> | <input type="checkbox"/> Patented<br><input checked="" type="checkbox"/> Pending<br><input type="checkbox"/> Abandoned |